

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

TIMOTHY NDAKI, M.D.

Plaintiff

v.

LORD & TAYLOR, et al.

Defendants

FILED  
U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
BALTIMORE  
2000 OCT -4 P 2:27  
A 11:42  
CLERK'S OFFICE  
BALTIMORE  
Civil Case Number: WMN 00 CV 1245  
BY: DEPUTY

**REVISED STIPULATED PROTECTIVE ORDER**

As the Plaintiff has served upon the Defendants certain document requests seeking the production of certain Corporate security documents, and as the Defendants have asserted that the documents requested contain confidential and proprietary corporate records and information pertaining to their security surveillance system and techniques, and whereby the parties stipulate and agree that the documents listed herein constitute confidential commercial information which should not be revealed or should be revealed only a designated way, as defined by Rule 26(c)(7) of the Federal Rules of Civil Procedure, it is hereby stipulated and agreed by the Plaintiff and Defendants, through their undersigned counsel, that the Defendants will produce copies of said documents to Plaintiff's counsel under the following terms and conditions:

1. The documents produced pursuant to this Stipulated Protective Order identified as corporate security documents are as follows:

- A. Security surveillance video of activities of Timothy Ndaki, M.D. on March 3, 1999;
- B. Portion of the Lord and Taylor Security Manual pertaining to shoplifting;
- C. Security training materials and records of security officers involved in the apprehension and detention of Timothy Ndaki, M.D.;

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D. Such additional documents as may be agreed upon by counsel.

2. All documents produced by the Defendant in connection Plaintiff's request for production of corporate security documents shall be produced with the understanding and agreement by Plaintiff, her counsel, and any expert witness by her or them employed, that the production is subject to the following conditions: Plaintiff's counsel shall not release or disclose said documents or any of the information contained therein, except as follows:

- a. to the Court;
- b. to attorneys of record in this case, as well as their associated lawyers, legal assistants, secretarial and clerical and other personnel engaged in assisting them in this litigation, provided that such persons first execute an affidavit and disclosure agreement in the form attached hereto (the "disclosure agreement"); and
- c. to expert witnesses, if any, provided that such witnesses first execute a disclosure agreement.

3. All disclosure agreements shall be maintained by the receiving party's counsel, with copies provided to counsel for producing party. A copy of each executed disclosure agreement shall be provided to counsel for the producing party within five days of each execution.

4. Disclosure of confidential documents shall not be made to any person not a party to these proceedings other than those listed in Paragraph 2(a)-(c) above without the prior express written consent of counsel for the producing party, or by prior order of the Court.

5. Whenever materials subject to the Confidentiality Order (or any pleading, motion or memorandum referring to them) are proposed to be filed in the Court, said parties shall submit such documents and pleadings in a sealed envelope upon which shall be written the following statement:

**CONTAINS CONFIDENTIAL INFORMATION SUBJECT TO PROTECTIVE ORDER.**

The party making such filing must simultaneously submit a motion and accompanying Order which includes (a) the proposed reasons supported by specific factual representations to justify the sealing and (b) an explanation as to why alternatives to sealing would not provide sufficient protection.

Any submitted materials subject to the Confidentiality Order may be returned to counsel by the Clerk of the Court or destroyed by the Clerk of the Court at the end of the litigation.

6. In the event that confidential documents are submitted or used in this proceeding, such documents shall not lose their status as confidential documents through such use, and the parties shall take all steps reasonably required and available to protect the confidentiality of documents during such use.

7. Within thirty (30) days of the final termination of this action, including all appeals, Plaintiff's counsel shall deliver to counsel for the Defendants a Certificate of Compliance with provisions of this Stipulated Protective Order.

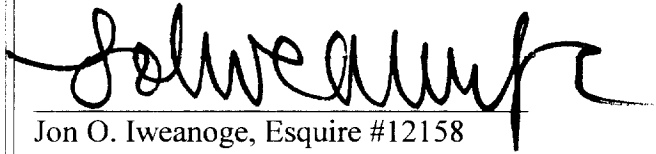
8. In the event a dispute arises challenging particular designations of confidentiality, the burden remains on the Defendants (i.e., the parties seeking confidentiality) to justify the sought confidentiality pursuant to Rule 26(c) of the Federal Rules of Civil Procedure.

This Order does not preclude a party from seeking immediate relief from or enlargement of this Order, or from seeking such other relief or protective orders as may be appropriate under the Federal Rules. Any party may apply to the Court for modification or enlargement of or release from this Order, whereupon timely notice shall be given to the other

party and which party shall have no more than fifteen (15) days in which to respond. Prior to any such application, counsel for the moving party shall confer with opposing counsel and seek agreement to such modification, enlargement or release. No modification, enlargement or release shall be effectuated without prior Order of the Court.

Any violation of this confidentiality agreement shall be grounds for a Motion for

Sanctions to be filed in the United States District Court for the District of Maryland.



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Attorney for Defendants The May Department Stores, Inc. and Hecht's, a Division of The May Department Stores Company

Approved:

 10/4/00

William M. Nickerson  
Judge, United States District Court for the District of Maryland  
(Northern Division)

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LINE

To the Clerk:

Please docket the attached Revised Stipulated Protective Order in accordance with the Court Memorandum dated August 22, 2000, for submission to Judge Nickerson for approval.

Respectfully submitted,

BACON, THORNTON & PALMER, L.L.P.

By:



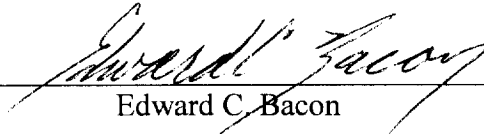
Edward C. Bacon  
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(301) 306-1981  
Attorney for Defendant Lord & Taylor

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 2<sup>nd</sup> day of October, 2000, a copy of the foregoing Line was mailed, postage prepaid, first class to:

Jon O. Iweanoge, Esquire  
LAW OFFICES OF JON O. IWEANOGE  
1010 Vermont Avenue, N.W.  
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Attorney for Plaintiff Timothy Ndaki, M.D.

By:   
Edward C. Bacon